



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Western States Management Services, Inc.

File: B-225125

Date: January 6, 1987

---

### DIGEST

Protest alleging solicitation improprieties is dismissed as premature where the agency has extended the bid opening indefinitely while it considers the protester's objections.

---

### DECISION

Western States Management Services, Inc., protests the provisions of invitation for bids (IFB) No. F26600-87-B-0004, issued by Nellis Air Force Base, Nevada. We dismiss the protest.

The agency issued the IFB for food attendant services at Nellis on September 15, 1986. By letter dated October 25, Western States filed a protest with this Office complaining that the solicitation did not identify clearly which government furnished equipment the contractor would be required to maintain, did not include dollar value limits on the contractor's obligation to repair such equipment, and improperly listed the cost of maintenance supplies as being the contractor's responsibility. By letter dated November 17, the protester also complained that the solicitation did not contain workload estimates.

The agency reports that the contracting officer is evaluating Western States' complaints and has indicated that changes to the solicitation appear to be in order. The agency has issued a number of solicitation amendments and has extended the bid opening date indefinitely.

We regard this protest as premature. By extending the bid opening date indefinitely, the agency in effect has suspended this procurement action while it considers the protester's complaints regarding the solicitation. Until the agency makes a final determination concerning the terms of the IFB, Western States' protest merely anticipates that the agency

will solicit bids under a defective solicitation. This Office does not consider protests that anticipate improper agency action. Resource Consultants, Inc., B-221858, Mar. 7, 1986, 86-1 CPD ¶ 231. When and if the agency resumes the active solicitation of bids by announcing a new bid opening date, Western States may file a protest at that time if it believes that the solicitation, as it then exists, is deficient in some manner. Prior to that time, no useful purpose would be served by our consideration of issues that may well be rendered academic by amendments to the solicitation.

The protest is dismissed.



Ronald Berger  
Deputy Associate  
General Counsel